

<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>			<b>Docket No.</b> CP-5165
Applicant(s): <b>Giardino, David</b>			
<b>Application No.</b> 10/840,132	<b>Filing Date</b> 05/06/2004	<b>Examiner</b> Chukwurah, Nathaniel C.	<b>Group Art Unit</b> 3721
<b>Invention: CONTROL DEVICE FOR A POWER IMPACT TOOL</b>			<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b> <b>JUN 22 2005</b>
<p>I hereby certify that this <u>Response to Restriction and Request for Reconsideration (7 pages)</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9306</u>) on <u>June 22, 2005</u> (Date)</p> <p style="text-align: right;"><u>Tina Holford</u> (Typed or Printed Name of Person Signing Certificate) <u>Tina Holford</u> (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Giardino, David

Docket No.: CP-5165

Serial No.: 10/840,132

Group Art Unit: 3721

Filed: 5/6/04

Examiner: Chukwurah, Nathaniel C.

Title: **CONTROL DEVICE FOR A POWER IMPACT TOOL**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION**  
**AND**  
**REQUEST FOR RECONSIDERATION**

This paper is being filed in response to the Office Action mailed on March 22, 2005. Applicant requests this Amendment be entered in the above-identified application and reconsideration of the application in view of the Amendments and Remarks that follow.

10/840,132

1

**RESTRICTION ELECTION**

In response to the Restriction Requirement dated March 15, 2005, Applicant hereby affirms the provisionally election of Group I, claims 1-9, drawn to a control device, classified in Class 173, subclass 169, that Applicant made telephonically on March 15. This election is made with traverse, and Applicant hereby reserves the right to file a divisional application in connection with unelected claims 10-20, drawn to a pneumatic tool.

With regard to the Restriction Requirement, Applicants respectfully submit that the subject matter of all claims 1-12 is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. Thus, Applicants respectfully submit that the search and the examination of the entire application could be made without serious burden. See MPEP § 803, in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits." Applicants respectfully submit that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.